

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS	§	
	§	CRIMINAL NO. H-12-611
	§	
Jorge Montemayor	§	
Alexander Garcia	§	

AGREED TO PRELIMINARY ORDER OF FORFEITURE

Pursuant to Rule 32.2(b) of the Federal Code of Criminal Procedure and the agreement entered into between the United States, Defendant, and his attorney, this Court now enters a Preliminary Order of Forfeiture and makes the following findings:

1. The defendant is charged by indictment.
2. The defendant having entered a plea of guilty and this Court, having considered the stipulated facts submitted by the parties, found the defendant guilty of the charge contained in the indictment. The Court further found the defendant knowingly and voluntarily waived his rights to jury or bench trial on the forfeiture matters and agreed to forfeit to the United States all of his right, title and interest in said property. Further, Defendant has waived any claim or argument that the prosecution and the forfeiture of any property in this case violates the excessive fines clause of the Eighth Amendment to the United States Constitution.
3. As a result of the foregoing, the Court finds that the right, title, and interest of defendant in:

Smith & Wesson .38 Special Airweight Model 642 revolver
.25 caliber Beretta pistol

Norinco SKS .762 Rifle and one (1) round of ammunition
Three (3) Glock .40 caliber pistols
One (1) Ruger .9 mm pistol
One (1) Jimenez .380 caliber pistol
One (1) Ruger .223 rifle
One (1) Romarm AK 47
One (1) Romarm AK 47 rifle
One (1) Acc International AK 47 rifle
One (1) Titan Tiger .38 revolver
One (1) Kel Tec PLR 16, 5.56 rifle and fourteen (14) rounds of ammunition
Approximately 25 feet of detonation cord
One (1) .40 caliber Springfield XD pistol
One (1) 12 gauge Mossburg shotgun
One (1) Bersa .380 pistol
One (1) Lo Inc. AK 47

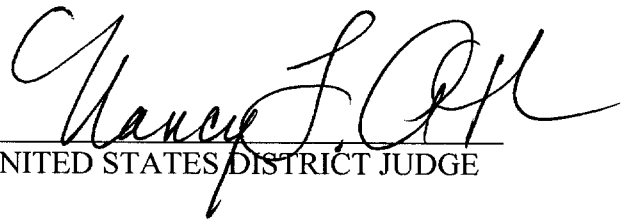
is condemned and forfeited to the United States.

4. The United States, the Attorney General, and the Departments of Justice and Homeland Security, shall seize the property to be forfeited, conduct any discovery the Court considers proper, and dispose of the property to be forfeited in accordance with law.

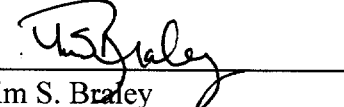
5. The forfeited property shall be held by Departments of Justice and Homeland Security, as custodian pending the signing of a final order of forfeiture or further order of the Court.


6. Pursuant to 21 U.S.C. § 853(n), the United States shall: (a) directly notify all persons and entities known to own or claim an interest in the forfeited property; and (b) publish on www.forfeiture.gov for 30 days notice of the entry of this Order, the intent of the United States to dispose of the forfeited property and that any claimants must file a petition with the Court within 30 days of the final publication of the notice or receipt of actual notice, whichever is earlier.

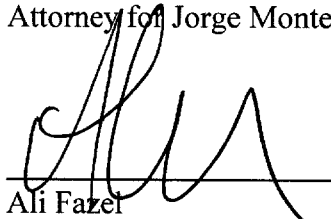
7. Upon adjudication of all third party claims, the Court will enter a final judgment and order of forfeiture pursuant to 21 U.S.C. § 853(n) and *Fed. R. Crim. P. 32.2(c)(2)*.


UNITED STATES DISTRICT JUDGE

Approved as to Form:


Tim S. Braley
Assistant United States Attorney


David Cunningham
Attorney for Jorge Montemayor


Ali Fazel
Attorney for Alex Garcia